IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH APRIL 2007 / 7TH VAISAKHA 1929

Crl.MC.No. 1313 of 2007()

CC.180/2005 of JUDL. MAGISTRATE OF FIRST CLASS-IV, KOZHIKODE
.....

PETITIONER: ACCUSED

P.P.MOHANAN, MUTHIRAPARAMBATHU HOUSE,
POST KOLLANADY, KOZHIKODE DISTRICT.

BY ADV. SMT.PRIYA RAMESH

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY ADV. SRI. BENJAMINE PAUL, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

==========

CRL. M.C NO. 1313 OF 2007

==========

Dated this the 27th day of April 2007

O R D E R

The petitioner, who is the accused in C.C No. 180/2005 in the file of Judicial First Class Magistrate's Court-IV, Kozhikode with respect to the offence under Section 138 of the Negotiable Instruments Act, has sought for a direction to the court below that there may not be an order of pre-trial detention at the time of his appearance. It was submitted that he could not appear before the court as he was undergoing treatment for Rheumatic Arthritics.

2. In the circumstances, the petitioner is directed to surrender before the court below within two weeks from today and file an application for bail. Non bailable warrant is not to be executed in the meantime. Pre-trial detention is not required. The court below shall as far as possible dispose of the application for bail, to be filed on the date of appearance of the petitioner itself.

The Crl. M.C is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV